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## SENATE BILL No. 465

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33-3-41.5; IC 22-2-2-8; IC 22-8-1.1-35.1.

**Synopsis:** Department of labor administrative matters. Allows the department of labor (department) or the commissioner of labor (commissioner) to reduce or waive, in the interest of justice and upon a showing of good cause, a civil penalty assessed for violation of child labor laws. Specifies that an employer is required to post a single page poster to notify employees about Indiana's minimum wage law. Authorizes the commissioner to determine the reasonable compensation of an attorney serving as an administrative law judge in occupational safety and health cases.

**Effective:** July 1, 2009.

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January 14, 2009, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 465

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-33-3-41.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: **Sec. 41.5. In the interest of justice and**  
4 **upon a showing of good cause, the department of labor or the**  
5 **commissioner of labor appointed under IC 22-1-1-2 may reduce or**  
6 **waive a civil penalty assessed under sections 38.5, 39, or 40 of this**  
7 **chapter.**

8 SECTION 2. IC 22-2-2-8 IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2009]: Sec. 8. **(a)** Every employer subject to the  
10 provisions of this chapter or to any rule or order issued under this  
11 chapter shall **each pay period** furnish to each employee a statement **of**  
12 **that includes at least the following information:**

- 13 (1) The hours worked by the employee. ~~and~~  
14 (2) The wages paid to ~~him~~ **the employee.**  
15 (3) ~~A listing of the deductions made. each pay period; and~~  
16 **(b) The An** employer shall furnish **to** the commissioner upon  
17 demand a sworn statement of the ~~same. Such information furnished~~



1 **to an employee under subsection (a). Records substantiating the**  
 2 **information furnished** shall be open to inspection by the  
 3 commissioner, ~~his the commissioner's~~ deputy, or any authorized agent  
 4 of the department at any reasonable time.

5 **(c) Every employer subject to the provisions of this chapter or to any**  
 6 **rule or order issued under this chapter shall** ~~keep a copy of them posted~~  
 7 **post** in a conspicuous place in the area where employees are employed  
 8 **a single page poster providing employees notice of the following**  
 9 **information:**

10 **(1) The current Indiana minimum wage.**

11 **(2) An employee's basic rights under Indiana's minimum**  
 12 **wage law.**

13 **(3) Contact information for an employee wanting to obtain**  
 14 **additional information from or to direct questions or**  
 15 **complaints to the Indiana department of labor.**

16 **(d) The commissioner shall furnish copies of this chapter and the**  
 17 **rules and orders to employers without charge upon request.**

18 **SECTION 3. IC 22-8-1.1-35.1 IS AMENDED TO READ AS**  
 19 **FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 35.1. (a) The board in**  
 20 **the discharge of its functions may inspect the premises involved in the**  
 21 **dispute.**

22 **(b) The board shall select an administrative law judge under**  
 23 **IC 4-21.5-3-9. However, if the board selects any individual who is not**  
 24 **a member of the board, that individual must be an attorney. Any**  
 25 **attorney so appointed shall** ~~be compensated the same as members of~~  
 26 **the board: receive reasonable compensation as determined by the**  
 27 **commissioner.**

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